

# United States of America

v.

## John Smith

*(Judge enters the courtroom)*

### **COURT SECURITY OFFICER**

All rise. Oh yes, Oh yes, Oh yes. All persons having business shall draw near and be heard. The Honorable *(insert name)* is present and presiding. Please be seated and come to order. This court is now in session.

### **JUDGE**

Thank you. Are the parties ready to proceed?

### **GOVERNMENT'S ATTORNEY**

Yes, your honor.

### **DEFENSE ATTORNEY**

Yes, your honor.

### **JUDGE**

Ladies and gentlemen of the jury, the following is a brief, general introduction to this trial, so that you will be better able to perform your important duty of deciding the facts diligently and conscientiously.

The case before you is the United States of America verses John Smith. Mr. Smith is being charged with felony possession of drugs. The defendant has pleaded not guilty and has requested a jury trial.

If they wish, [both] the United States Attorney and the Defense Attorney may make opening statements. Opening statements are not evidence, but rather statements of what the lawyers expect to prove. The United States Attorney will then present evidence. After the government's case has been presented through witnesses and exhibits, the Defense Attorney will then have an opportunity to present evidence, but may elect not to do so, because the burden of proof rests solely on the United States of America.

Each witness is first examined by the party who calls the witness to testify and then the opposing party is permitted to cross-examine the witness. Both parties then get an opportunity to re-cross-examine (also called redirect) the witness.

At times during the trial, objections will be made and it is up to me, the judge, to rule on them. You should not concern yourself with the objections made by the lawyers or with the my rulings on those objections. This is because questions of law and admissibility of evidence do not involve the jury; they are decided by the judge. It is the duty of a lawyer to make objections and motions which the lawyer believes are proper. You should not be influenced by the fact that a lawyer has made objections or by the number of objections which have been made.

At the end of all the evidence, the United States Attorney and Defense Attorney will give their closing arguments, at which time they will point out to you what they contend the evidence has shown and the conclusions they would like you to draw from the evidence. What the lawyers say in their opening statements, in their closing arguments, and in making objections or motions during the trial, is not evidence (And this is the reason the government goes first because he or she has the burden of proof).

After closing arguments, you will retire to the jury room and begin your deliberations. It will then be your function and responsibility to decide the facts. You must base your findings only upon the testimony, the exhibits received, any stipulation[s] of the parties, and any conclusions which may fairly be drawn from that evidence.

During the trial and during any recess, do not discuss the case, either among yourselves or with any other person. You must base your decision only on the evidence presented in this courtroom and only after all the evidence has been presented and once you begins your deliberations.. Please keep an open mind throughout the trial.

The government may proceed with its opening statement.

#### **GOVERNMENT'S ATTORNEY**

Thank you, your honor. Ladies and gentlemen of the jury – On behalf of the United States, I want to thank you for being here today. Under our criminal justice system, citizens charged with certain crimes are entitled to have their case heard by a jury of their peers – people just like you. We are all grateful that you recognize your civic duty and are willing to set aside you personal priorities to be here.

As you have heard, the defendant, John Smith, is charged with felony possession of drugs. Under federal law, anyone possessing a pound or more of drugs – the law reasons – intends to distribute the drugs. In other words, they are a dealer, hence the more serious charge, which is why Mr. Smith is being charged with a felony.

As I'm sure the defense will point out, it is the Government's responsibility to prove beyond a reasonable doubt that the defendant did, indeed, have in his possession more than a pound of drugs when he/she was approached by a police officer. In fact, the Government will show that the defendant had over two pounds of drugs. And while the defense will try to convince you that the defendant did not know the drugs were in the car, the United States will provide convincing arguments that he not only knew that the drugs were in his/her possession, but that it was indeed his/her drugs. Thank you.

#### **JUDGE**

Does the defense wish to make an opening statement?

#### **DEFENSE**

Yes, your honor. Members of the jury, I too thank you for being here today. Let me start with a very simple statement: The defendant, John Smith, is innocent. He does not use drugs. He has never had any drugs in his possession. The defendant certainly has never sold drugs to anyone. The fact is, the only thing that my client is guilty of is bad judgment. As we will prove, the day before the police made contact with Mr. Smith, he lent his car to his cousin. My client trusted his cousin, and that trust was betrayed when he not only used the car to drive to the city to make

a drug buy, but then left the drugs in the defendant's car rather than risk being caught with it. As the Government's Attorney mentioned, please keep in mind that the burden of proof falls on the United States. If at the end of the trial you have any reasonable doubt in the government's case, then you should find my client not guilty. Thank you

**JUDGE**

United States Attorney, please call your first witness.

**UNITED STATES ATTORNEY**

Your honor, I call Sergeant Jay Collins to the stand.

**COURTROOM DEPUTY CLERK**

Please come forward and be sworn.

Place your left hand on the bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**COLLINS**

I do.

**COURTROOM DEPUTY CLERK**

You may be seated.

**UNITED STATES ATTORNEY**

For the record, please state your name, rank and assignment.

**COLLINS**

Jay Collins. I'm a sergeant with the Gaston County Police Department.

**UNITED STATES ATTORNEY**

On the night in question, were you on duty?

**COLLINS**

Yes I was.

**UNITED STATES ATTORNEY**

And were you in your patrol car on the main highway outside town?

**COLLINS**

Yes.

**UNITED STATES ATTORNEY**

Will you tell me the events that occurred that night, beginning around 10 p.m.

**COLLINS**

It was Saturday night and I was patrolling the main highway outside of town. It was about 2200 hours – that's 10 o'clock in civilian time – when I became aware of a car stopped on the shoulder of the road with its lights and emergency blinker on. I activated my lights and pulled onto the shoulder behind the car.

I saw an individual who appeared to be changing a flat tire. There was no one else in the car. I exited the patrol car and approached the individual, who identified himself as the driver. It was apparent that he did in fact have a flat tire. I inquired if the individual needed help and he said 'no'. It appeared to me that the driver was nervous because he was sweating and kept looking at me and saying that I didn't need to stick around because he was almost done. I asked if he minded if I searched the car. The individual refused and said, "No. I know my constitutional rights. You can't search my car."

**UNITED STATES ATTORNEY**

Is that person in the courtroom today, and if so, please describe an article of clothing that he is wearing.

**COLLINS**

Yes. *(Point to the defendant and describe an article of clothing that he is wearing)*

**UNITED STATES ATTORNEY**

Let the court recognize that Witness Collins pointed to the defendant. Sergeant Collins, why did you ask if you could search the car?

**COLLINS**

Because the individual seemed nervous.

**UNITED STATES ATTORNEY**

How did he seem nervous?

**COLLINS**

Like I said, he was sweating and shaking. He also seemed very anxious for me to leave.

**UNITED STATES ATTORNEY**

When he refused to let you search the car, what did you do?

**COLLINS**

I went to my cruiser and called for back up. A few minutes later, another unit arrived with a drugs-sniffing dog. The canine and its handler walked around the car when the individual jumped up and told us to get the dog away from his car, claiming that it was an illegal search. I explained that it was not a search at all as long as the dog or handler does not touch the car.

While the individual and I were talking, the dog alerted to the front door on the driver's side, which gives us probable cause, and I asked the individual for permission to search the car. The individual refused and I explained that because the dog alerted us, we were permitted to search without permission. The individual expressed disagreement, but did not forcibly prevent the dog from entering the car. Before the dog entered the car, I put my head through the window and smelled a moderate odor of what I know to be drugs. Once in the car, the dog alerted under the driver's seat. When we examined the space under the seat, we found a package inside a McDonald's bag containing a substance that appeared to be drugs.

I asked the individual if he owned the car and he said 'yes'. I then asked the individual if the package belonged to him. He said, 'no,' but could not explain how the package appeared under the seat of his car. I read the individual his rights and took him into custody. The drugs-like substance was sent to the police lab for testing.

**UNITED STATES ATTORNEY**

And did you receive a report from the lab?

**COLLINS**

Yes.

**UNITED STATES ATTORNEY**

I will show you what is marked as government exhibit 1. Do you recognize this document?

**COLLINS**

Yes.

**UNITED STATES ATTORNEY**

Would you tell us what it is, please.

**COLLINS**

It's the lab report. The substance tests positive for drugs. Probably derived from South America, based on quality. Total weight, 2.1 pounds.

**UNITED STATES ATTORNEY**

Your honor, the government moves to admit exhibit #1. May be publish it to the jury?

**JUDGE**

Government's exhibit #1 is admitted. You may publish it to the jury. *(US Attorney shows document to the jury.)*

**UNITED STATES ATTORNEY**

Thank you, sergeant. No further questions.

**JUDGE**

Does the defense have any questions for this witness?

**DEFENSE**

Yes, thank you, your honor. Sergeant Collins, how did Mr. Smith react when the dog found the drugs?

**UNITED STATES ATTORNEY**

Objection your honor. Defense is asking the witness to offer an opinion about how the defendant reacted. There's no way he could know.

**DEFENSE ATTORNEY**

Your honor, the witness has already characterized my client's behavior as "nervous" before the drugs were found, so surely he can tell us what he saw a few minutes later.

**JUDGE**

I agree. Overruled. Witness will answer the question.

**COLLINS**

He looked surprised, and got agitated.

**DEFENSE ATTORNEY**

What do you mean by agitated?

**COLLINS**

Angry.

**DEFENSE ATTORNEY**

Was the anger directed at you?

**COLLINS**

No, it didn't seem to be directed at me.

**DEFENSE ATTORNEY**

Was it hot that night?

**COLLINS**

Hot?

**DEFENSE ATTORNEY**

Was it hot that night. The temperature. According to the weather service, it was very hot on that day. Was it still pretty warm?

**COLLINS**

I don't recall.

**DEFENSE ATTORNEY**

Interesting. You don't recall how hot it was out, but you specifically remember my client's emotional state. If it was hot, that would explain why Mr. Smith was sweating when he was changing the tire, wouldn't it?

**COLLINS**

I suppose.

**DEFENSE ATTORNEY**

Is it possible that he wasn't nervous, but just tired?

**COLLINS**

I suppose so.

**DEFENSE ATTORNEY**

No further questions.

**JUDGE**

Would you like to redirect?

**UNITED STATES ATTORNEY**

Yes, your honor. Sergeant, you said that Mr. Smith appeared nervous. Did you reach that conclusion just because he was sweating?

**COLLINS**

No. He kept watching me and telling me I didn't have to stick around. He seemed nervous about my presence there.

**UNITED STATES ATTORNEY**

Thank you. No further questions.

**JUDGE**

Would the defense like to re-cross the examination?

**DEFENSE**

No, your honor.

**JUDGE**

Sergeant Collins, you may now step down.

The government may call their next witness.

**UNITED STATES ATTORNEY**

Thank you, your honor. I would like to call Mary Gelman to the stand.

**COURTROOM DEPUTY CLERK**

Please come forward and be sworn.

Place your left hand on the bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**GELMAN**

I do.

**COURTROOM DEPUTY CLERK**

You may be seated.

**UNITED STATES ATTORNEY**

For the record, please state your name and current address.

**GELMAN**

My name is Mary Gelman, and I live at 31 Edwards Street.

**UNITED STATES ATTORNEY**

Ms. Gelman, do you know the defendant?

**GELMAN**

Yes, I go to school with him.

**UNITED STATES ATTORNEY**

On the day in question, did you see the defendant?

**GELMAN**

Yes.

**UNITED STATES ATTORNEY**

Where?

**GELMAN**

At a party at a friend's house.

**UNITED STATES ATTORNEY**

Did he appear to be contemplating criminal activity?

**DEFENSE ATTORNEY**

Objection, your honor. The Government's Attorney is asking the witness to tell us what was going on inside my client's head.

**JUDGE**

Sustained. Witness is not to answer that question.

**UNITED STATES ATTORNEY**

How was he acting?

**DEFENSE ATTORNEY**

Objection, your honor!

**JUDGE**

The government is asking the witness to offer conjecture. Objection sustained. Please ask another question.

**UNITED STATES ATTORNEY**

Did you see Mr. Smith leave?

**GELMAN**

Yes.

**UNITED STATES ATTORNEY**

Alone?

**GELMAN**

Yes.

**UNITED STATES ATTORNEY**

Did you know where he was going?

**GELMAN**

No.

**UNITED STATES ATTORNEY**

Were you surprised that he was leaving?

**GELMAN**

Yes.

**UNITED STATES ATTORNEY**

Why?



**GELMAN**

Because the party was just starting.

**UNITED STATES ATTORNEY**

Nothing else, your honor.

**JUDGE**

Defense?

**DEFENSE ATTORNEY**

Thank you, your honor. Ms. Gelman, how did you do on your S-A-Ts?

**GELMAN**

What do you mean?

**DEFENSE ATTORNEY**

Your S-A-Ts. Didn't you take them the next morning?

**GELMAN**

No.

**DEFENSE ATTORNEY**

You do know that Mr. Smith spent most of the previous day taking exams, and that he stayed up all night to study for the Spanish exam?

**GELMAN**

No, I didn't.

**DEFENSE ATTORNEY**

Does it surprise you?

**GELMAN**

No, he's a very serious student, a real grind when it comes to school.

**UNITED STATES ATTORNEY**

Objection your honor. The witness is answering a question she wasn't asked.

**JUDGE**

Sustained. Jury will ignore the last statement.

**DEFENSE ATTORNEY**

Ms. Gelman, at the party, did you see the defendant using drugs?

**GELMAN**

No.

**DEFENSE ATTORNEY**

Has the defendant ever used drugs or had it in his possession?

**UNITED STATES ATTORNEY**

Objection, your honor. How can the witness know what Smith has in his pockets at all times?

**JUDGE**

Sustained.

**DEFENSE ATTORNEY**

Have you ever seen Mr. Smith use drugs?

**GELMAN**

No.

**DEFENSE ATTORNEY**

No further questions.

**JUDGE**

Any redirect?

**UNITED STATES ATTORNEY**

Briefly. You don't hang out with the same crowd as Mr. Smith, do you Ms. Gelman?

**GELMAN**

Most of the time, no.

**UNITED STATES ATTORNEY**

So you don't really know whether he uses drugs, do you?

**GELMAN**

No I don't.

**UNITED STATES ATTORNEY**

No further questions.

**JUDGE**

Does the defense have any re-cross?

**DEFENSE ATTORNEY**

No, your honor.

**JUDGE**

The witness may now step down.

The government may call its next witness.

**UNITED STATES ATTORNEY**

The government calls Brian Tidwink.

**COURTROOM DEPUTY CLERK**

Please come forward and be sworn.

Place your left hand on the bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**TIDWINK**

I do.

**COURTROOM DEPUTY CLERK**

You may be seated.

**UNITED STATES ATTORNEY**

For the record, please state your name and current address.

**TIDWINK**

Brian Tidwink. I live at 31 Calvert Street.

**UNITED STATES ATTORNEY**

On the afternoon in question, did you happen to see Mr. Smith?

**TIDWINK**

Yes I did.

**UNITED STATES ATTORNEY**

What were the circumstances?

**TIDWINK**

It was pretty late in the afternoon. He was detailing that car of his.

**UNITED STATES ATTORNEY**

Detailing? Do you mean washing?

**TIDWINK**

No, I mean detailing. He must of spent a couple of hours washing it and vacuuming it and all that stuff.

**UNITED STATES ATTORNEY**

Did you see him vacuum under the seats?

**TIDWINK**

Yeah, I could see him doing that.

**UNITED STATES ATTORNEY**

So if there was anything under the seat – a package, say – he would have found it?

**DEFENSE ATTORNEY**

Objection. Mr. Tidwink couldn't have known what my client could have seen or not seen.

**JUDGE**

Sustained.

**UNITED STATES ATTORNEY**

No further questions.

**JUDGE**

Does the defense wish to cross?

**DEFENSE ATTORNEY**

Yes, your honor.

Mr. Tidwink, how did you come to be a witness in this case?

**TIDWINK**

I don't understand the question.

**DEFENSE ATTORNEY**

Did the police come and ask you questions?

**TIDWINK**

No.

**DEFENSE ATTORNEY**

Did you contact the police?

**TIDWINK**

Yes, I did.

**DEFENSE ATTORNEY**

Why?

**TIDWINK**

Because I heard that the Smith kid got arrested for having drugs in his car and was saying he didn't know it was there.

**DEFENSE ATTORNEY**

So you called police and volunteered that you saw him looking under the seat of his car?

**TIDWINK**

Something like that.

**DEFENSE ATTORNEY**

Do you like Chris Smith?

**UNITED STATES ATTORNEY**

Your honor...I object!

**DEFENSE ATTORNEY**

Your honor, this goes to the credibility of the witness. We intend to show that Mr. Tidwink has been in a running feud with the Smiths and that he saw an opportunity to harm my client.

**JUDGE**

Very well. Answer the question.

**TIDWINK**

I don't care about him. That's all. I don't have any bad feelings about any of 'em.

**DEFENSE ATTORNEY**

Nothing further.

**JUDGE**

Prosecution?

**UNITED STATES ATTORNEY**

No re-cross, your honor. The government rests.

**JUDGE**

The witness may now step down.

Is the defense ready to call its first witness?

**DEFENSE ATTORNEY**

Yes, your honor. The defense calls Tyler Lincoln.

**COURTROOM DEPUTY CLERK**

Please come forward and be sworn.

Place your left hand on the bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**LINCOLN**

I do.

**COURTROOM DEPUTY CLERK**

You may be seated

**DEFENSE ATTORNEY**

Please state your name for the records.

**LINCOLN**

My name is Tyler Matthew Lincoln.

**DEFENSE ATTORNEY**

What is your relationship to the defendant?

**LINCOLN**

The defendant is my cousin.

**DEFENSE ATTORNEY**

Is it true that you are both employed at McDonald's?

**LINCOLN**

Yes.

**DEFENSE ATTORNEY**

On that Saturday morning, did you borrow Mr. Smith's car?

**LINCOLN**

Yes, I did.

**DEFENSE ATTORNEY**

Why did you borrow his car?

**LINCOLN**

My car was broken down and I needed to buy a part for it.

**DEFENSE ATTORNEY**

While you were out running this errand, did you buy any drugs and stash it under the passenger's seat of the car?

**LINCOLN**

No.

**DEFENSE ATTORNEY**

Have you every bought drugs?

**LINCOLN**

No.

**DEFENSE ATTORNEY**

Weren't you in fact charged last year with possession of drugs?

**UNITED STATES ATTORNEY**

Objection, your honor. Mr. Lincoln was never convicted of that charge.

**JUDGE**

Sustained. The jury will ignore the last question.

**DEFENSE ATTORNEY**

I have no further questions at this time, but I reserve the right to recall this witness.

**JUDGE**

Mr. Lincoln, you are to remain in the courthouse and remember that you are still under oath.

Does the government have any questions for this witness?

**UNITED STATES ATTORNEY**

I'll wait until the witness is recalled, provided that if the defense does not recall this witness, I will be permitted to do so.

**JUDGE**

You will be permitted to do so. The witness may now step down.

Defense, you may now call your next witness.

**DEFENSE ATTORNEY**

The defense calls Sergeant Jessica Horton.

**COURTROOM DEPUTY CLERK**

Please come forward and be sworn.

Place your left hand on the bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**HORTON**

I do.

**COURTROOM DEPUTY CLERK**

You may be seated.

**DEFENSE ATTORNEY**

For the record, please state your name and the unit to which you are assigned.

**HORTON**

My name is Agent Jessica Horton, and I work for A.T.F. in the drugs surveillance unit.

**DEFENSE ATTORNEY**

The day in question, were you working as part of the drugs surveillance team?

**HORTON**

Yes I was.

**DEFENSE ATTORNEY**

Where?

**HORTON**

At the corner of 1<sup>st</sup> Street and Albert Avenue.

**DEFENSE ATTORNEY**

Why that particular location?

**HORTON**

Because it's a major drug selling location. Dealers drive there from all over the state to buy drugs.

**DEFENSE ATTORNEY**

Do you keep a log of cars that come through the area?

**HORTON**

Yes.

**DEFENSE ATTORNEY**

Is this the log for that day?

**HORTON**

Yes.

**DEFENSE ATTORNEY**

And does the defendant's car appear on the log? License number XXX-999.

**HORTON**

Yes.

**DEFENSE ATTORNEY**

Can you tell me when?

**HORTON**

At noon.

**DEFENSE ATTORNEY**

Are you knowledgeable about the area?

**HORTON**

Yes.

**DEFENSE ATTORNEY**

Is there an auto parts store in the vicinity?

**HORTON**

Not right there. There's one about three blocks away.

**DEFENSE ATTORNEY**

No further questions.

**JUDGE**

Government, it's now your witness.

**UNITED STATE'S ATTORNEY**

Just one question, you honor. Sergeant Horton, did you witness a drugs transaction involving the witness's car?

**HORTON**

No.

**UNITED STATES ATTORNEY**

That is all. No further questions.

**JUDGE**

Any redirect?

**DEFENSE ATTORNEY**

Yes, your honor. Sergeant, if you know, can you tell the court how the drugs transactions usually occur?

**HORTON**

The buyer stops at the intersection that we are watching and places an order. Then the driver drives to another location where the drugs and the money change hands. The transaction is usually very quick.

**DEFENSE ATTORNEY**

Why don't you cover the location where the transaction usually occurs?

**HORTON**

Because it changes every day.

**DEFENSE ATTORNEY**

One other question: Does Mr. Smith's car show up on any other log?

**HORTON**

Not that I'm aware of.

**DEFENSE**

No further questions.

**JUDGE**

Re-examination?

**UNITED STATES ATTORNEY**

No, thank you.

**JUDGE**

You may now step down.

Defense, you may call your next witness.

**DEFENSE ATTORNEY**

The defense recalls Tyler Lincoln.

**JUDGE**

Mr. Lincoln, you can take the witness stand. Let me remind you that you are still under oath.



**LINCOLN**

Yes, your honor.

**DEFENSE ATTORNEY**

Mr. Lincoln, when you were on the way to the auto parts store, did you by any chance stop at the corner of 1<sup>st</sup> and Albert Avenue?

**LINCOLN**

There's a stop sign there, but that would be the only reason.

**DEFENSE ATTORNEY**

Nothing more.

**JUDGE**

Any cross examination from the government?

**UNITED STATES ATTORNEY**

Just one question. Mr. Lincoln, are you a drug dealer?

**LINCOLN**

No, I am not.

**UNITED STATES ATTORNEY**

Thank you, no more questions.

**JUDGE**

The witness may now step down.

Call your next witness, defense.

**DEFENSE**

Defense calls Patrolman Kevin Larue.

**COURTROOM DEPUTY CLERK**

Please come forward and be sworn.

Place your left hand on the bible and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**LARUE**

I do.

**COURTROOM DEPUTY CLERK**

You may be seated.

**DEFENSE ATTORNEY**

Please state your name and current unit to which you are assigned.

**LARUE**

I am Patrolman Kevin Larue, and I work for the Gaston County Police Department.

**DEFENSE ATTORNEY**

Patrolman Larue, have you ever been called to the first block of Calvert Street?

**LARUE**

Probably a dozen times.

**DEFENSE ATTORNEY**

How many different people have called you?

**LARUE**

Just one.

**DEFENSE ATTORNEY**

And who would that be?

**LARUE**

Mr. Tidwink.

**DEFENSE ATTORNEY**

Can you give the court an idea of why you were called.

**LARUE**

Because he had complaints about the Smith family.

**DEFENSE ATTORNEY**

What kind of complaints?

**LARUE**

Just about everything you can imagine.

**DEFENSE ATTORNEY**

In your professional judgment, were the complaints valid?

**UNITED STATES ATTORNEY**

Objection. Defense is asking the witness to offer an opinion about the law.

**JUDGE**

Sustained.

**DEFENSE ATTORNEY**

Did you ever actually arrest a member of the Smith family or warn them?

**LARUE**

No.

**DEFENSE ATTORNEY**

No further questions.

**JUDGE**

Does the government wish to cross examine this witness?

**STATES ATTORNEY**

No, your honor.

**JUDGE**

The witness may now step down.

The defense may call their next witness.

**DEFENSE ATTORNEY**

The defense rests, your honor.

**JUDGE**

Very well. We will now hear closing arguments.

**UNITED STATES ATTORNEY**

*(Students are encouraged to write their own closing argument, summarizing the evidence and why the jury should return a verdict in favor of the government.)*

**DEFENSE ATTORNEY**

*(Students are encouraged to write their own closing argument, summarizing the evidence and why the jury should return a verdict in favor of the defense.)*

*(After the conclusion of the closing arguments)*

**JUDGE**

Members of the jury, you have now heard arguments from both sides in the case of United States of America verses John Smith. You must now decide if the government has proven beyond a reasonable doubt that Mr. Smith is guilty of possession of drugs. You can find the defendant guilty of this charge, or not guilty of this charge. The decision you make must be unanimous.

I would remind you that every defendant has an absolute constitutional right not to testify. The fact that the defendant did not testify must not be held against the defendant. It must not be considered by you in any way or even discussed by you.

Please return to the jury room and select a Jury Foreperson. This person has the same vote as all the other jurors, but their job is to preside over the deliberations. Once you have reached a verdict, please knock on the door to inform the Court Security Officer you have reached a verdict. You may now retired to the jury room to begin your deliberations.

*(Court Security Officer takes the jurors and the verdict sheet to the jury room. After a short while, the jurors knock on the door and inform the Court Security Officer they have reached a verdict. The then re-enter the courtroom.)*

**JUDGE**

Who speaks as foreperson for this jury?

**FOREPERSON**

I do, your honor.

**JUDGE**

Has the jury unanimously reached a verdict?

**FOREPERSON**

Yes, we have, your honor.

**JUDGE**

Please hand the verdict sheet to the Court Security Officer.

*(Court Security Officer then hands verdict sheet to the Judge. Judge reviews verdict and passes it to the Courtroom Deputy Clerk.)*

**JUDGE**

I will ask the clerk to publish the verdict.

**COURTROOM DEPUTY CLERK**

*(Standing)* In the case of the United States of America vs. John Smith, the jury has returned the verdict as following:

*(Clerk reads the verdict.)*

**JUDGE:**

Clerk, make the verdict a part of the record. This court is now in session.

**COURT SECURITY OFFICER**

All rise! This court is now in recess. God save us and this honorable court!

**DISCLAIMER**

*This is a fictitious case. None of the characters in this script or accompanying documents are real. Any resemblance between the characters and any person, living or dead, is coincidental. The laws expressed in this case are not real.*